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*Attorneys for Defendants* MORTGAGE INVESTORS  
GROUP, INC., and MORTGAGE INVESTORS GROUP,  
A General Partnership

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAY J. RALSTON, On Behalf Of Himself  
And All Others Similarly Situated;

Plaintiff,

vs.

MORTGAGE INVESTORS GROUP,  
INC., MORTGAGE INVESTORS  
GROUP, a general partnership, and DOES  
1 -10,  
Defendants.

) Civil Case No. CV 08-00536 JF

)

) **STIPULATION TO CHANGE THE**  
) **ALTERNATIVE DISPUTE RESOLUTION**  
) **PROCESS**

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1 This Stipulation is entered into by and among Plaintiff JAY J. RALSTON ("Plaintiff"), and  
2 Defendants MORTGAGE INVESTORS GROUP, INC. and MORTGAGE INVESTORS GROUP  
3 ("Defendants"), as follows:

4 1. WHEREAS, the parties initially selected an Early Neutral Evaluation as their  
5 alternative dispute resolution process in this action;

6 2. WHEREAS, the Court ordered the parties to complete the Early Neutral Evaluation by  
7 August 7, 2008;

8 3. WHEREAS, on July 17, 2008, the Evaluator conducted an ENE teleconference call  
9 with counsel for all parties;

10 4. WHEREAS, at the ENE teleconference, counsel for the parties agreed that mediation  
11 of the dispute with a mutually agreed upon private mediator may be the most potentially productive  
12 alternative dispute resolution in this case.

13 5. WHEREAS, the Court extended the deadline by which the parties must participate in  
14 mediation from October 15, 2008 to December 18, 2008 and again from December 18, 2008 to  
15 January 30, 2008, while the parties continued to meet and confer regarding the documents and  
16 information to be produced in advance of the mediation and Defendants' responses to Plaintiff's  
17 discovery;

18 6. WHEREAS, the parties have explored the possibility of private mediation for six  
19 months and are at an impasse regarding what information should be exchanged in advance of such  
20 mediation, who should bear the cost of such mediation, whether the parties have exhausted the ADR  
21 process, and whether private mediation is premature at this time; and

22 7. WHEREAS, the parties believe that a court-appointed mediator would be the most  
23 productive method of narrowing the issues and completing the ADR process at this time.

24 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through their  
25 respective counsel, that the parties shall participate in mediation with a court-appointed mediator  
26 pursuant to ADR L.R. 6 by January 30, 2009 and jointly request that this Court appoint a mediator  
27 accordingly. Because the parties' positions are such that resolution of the case at this early juncture  
28

1 is unlikely, the parties further stipulate that the parties need not attend the mediation and may be  
2 represented by their respective counsel.

3  
4 Dated: January 6, 2009

PALMER, LOMBARDI & DONOHUE LLP

5  
6 By: /s/ Roland P. Reynolds, Esq.  
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14 INVESTORS GROUP, INC. and MORTGAGE  
15 INVESTORS GROUP

16  
17 Dated: January 6, 2009

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Class*

**ECF CERTIFICATION**

Pursuant to General Order No. 45, § X.B., the filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: January 6, 2009

/s/ Jennie Lee Anderson

Jennie Lee Anderson

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2009, I electronically filed the above document using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 6, 2009

/s/ Jennie Lee Anderson

Jennie Lee Anderson

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) Civil Case No. CV 08-00536 JF

) **[PROPOSED] ORDER CHANGING THE**  
 ) **ALTERNATIVE DISPUTE RESOLUTION**  
 ) **PROCESS**

1 Pursuant to the Court's Order of December 17, 2008, the parties are to complete mediation on  
2 or before January 30, 2009. On January 6, 2009 the parties stipulated and requested an order from  
3 this Court that such mediation be conducted with a court-appointed mediator, pursuant to ADR  
4 L.R.6. The parties further stipulated that, because the parties' positions are such that complete  
5 resolution of the case at this time is unlikely, the parties may be represented by counsel and not  
6 required to personally attend the mediation.

7 **IT IS HEREBY ORDERED** that:

8 1. the parties shall complete mediation by January 30, 2008 with a mediator appointed by  
9 this Court pursuant to ADR L.R. 6; and

10 2. the parties may be represented by counsel at the mediation and shall not be required to  
11 personally attend.

12 **IT IS SO ORDERED.**

13  
14 Dated: 1/7 2009

By: 

The Honorable Jeremy Fogel  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2009, I electronically filed the above document using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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/s/ Jennie Lee Anderson

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